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**VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON VA 22201-2909**

In re Application of
CULVER, TIMOTHY : OCT 20 2010
Application No. 10/767,500 : DECISION ON PETITION
Filed: January 29, 2004 :
Attorney Docket No.: RIC97073C1 :
:

This is a decision on the Petition To Withdraw Holding of Abandonment under 37 C.F.R. 1.181, received in the United States Patent and Trademark Office (USPTO) on February 11, 2010 for the above identified application.

The application was held abandoned for applicant's failure to timely pay the issue fee, as Required in the new Notice of Allowance and Fee(s) Due mailed October 26, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of the decision, or as explained below, filing a petition seeking revival under 37 CFR 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The request to apply the issue fee to the new Notice could have been satisfied by simply Completing and returning the new Issue Fee Transmittal Form PTOL-85B.

Also, Petitioner appears to not have read the bold text in the new Notice of Allowance and Fee(s) Due, which states:

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THE STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THE APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

Failure to submit the PTOL-85B, Fee(s) Transmittal resulted in the proper abandonment of the application. As previously advised the applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail:

Mail Stop **Petitions**
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

By FAX:

(571) 273-8300
Attn: Office of Petitions

By hand:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.



Kay D. Pinkney
Application Assistance Unit
Office of Data Management